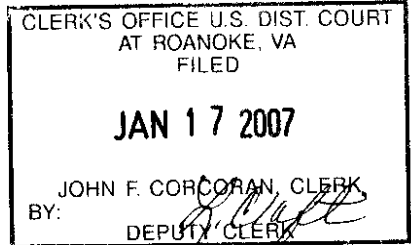


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



DON W. MCKINNEY ,)	
Petitioner,)	Civil Action No. 7:07-cv-00004
)	
v.)	<u>FINAL ORDER</u>
)	
WISE COUNTY CIRCUIT COURT,)	By: Hon. James C. Turk
Respondent.)	Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ADJUDGED AND ORDERED

that the above referenced petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, shall be and hereby is **DISMISSED** without prejudice, pursuant to Rule 4 of the Rules Governing §2254 Cases, and is stricken from the active docket of the court.

The Clerk is directed to send a copies of this final order and the accompanying memorandum opinion to the petitioner.

ENTER: This 16th day of January, 2007.

[Signature: James C. Turk]
Senior United States District Judge